

FORM PTO-1390  
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

11957/47205

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (known/unknown) (see 37 CFR 1.5)

107570733

INTERNATIONAL APPLICATION NO  
PCT/EP2004/009263INTERNATIONAL FILING DATE  
August 18, 2004PRIORITY DATE CLAIMED:  
05 Sep 2003 (05/09/2003)  
15 Mar 2004 (15/03/2004)

## TITLE OF INVENTION

PHARMACEUTICAL COMPOSITION COMPRISING I.A. VITAMIN C, MAGNESIUM, GREEN TEA  
EXTRACT FOR RETARDING CARDIOVASCULAR DISEASES

## APPLICANT(S) FOR DO/EO/US

Matthias RATH; Aleksandra NIEDZWIECKI; Vadim IVANOV; Waheed M. ROOMI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☒ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: PCT/RO/101, First page of WO 2005/023239, International Search Report

CV 320 248 568 45

21. The following fees are submitted:						
<input checked="" type="checkbox"/> a) Basic National Fee .....				\$ 300.00	\$ 300.00	
<input checked="" type="checkbox"/> b) Examination Fee .....				\$ 200.00	\$ 200.00	
<input checked="" type="checkbox"/> c) Search Fee .....				\$ 400.00	\$ 400.00	
				\$ 900.00		
<b>TOTAL OF ABOVE CALCULATIONS</b>					<b>\$900.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE		
-100	/50=			x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total Claims	14 - 20 =	0	x \$50.00		\$ 0.00	
Independent Claims	1 - 3 =	0	x \$200.00		\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>					<b>\$</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						
<b>SUBTOTAL =</b>					<b>\$450.00</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$	
<b>TOTAL NATIONAL FEE =</b>					<b>\$</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property					\$	
<b>TOTAL FEES ENCLOSED =</b>					<b>\$ 450.00</b>	
					Amount to be refunded:	\$
					Amount to be charged	\$ 450.00

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 11-0600 in the amount of \$450.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0600. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: KENYON & KENYON LLP One Broadway New York, New York 10004 <b>CUSTOMER NO. 26646</b>	<div style="font-size: 1.5em; font-family: cursive; margin-bottom: 5px;">John F. Resck</div> SIGNATURE John F. Resck (Reg. No. 52,162) NAME <div style="font-size: 1.5em; font-family: cursive; margin-bottom: 5px;">3/6/06</div> DATE
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